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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,499	08/17/2001	John DiDomenico	87354.2880	6293
30734	7590	06/26/2006	EXAMINER	
BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			TRIEU, VAN THANH	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/932,499	<b>Applicant(s)</b> DIDOMENICO ET AL.	
	<b>Examiner</b> Van T. Trieu	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10,12-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lord et al** [US 6,455,851]

Regarding claim 1, the claimed a system for managing visual images of vehicles, comprising: a first digital video image collector positioned to capture a first data file that is representative of a visual image of at least one feature of a first vehicle moving on a roadway, the first digital video image collector including a first communications port (the camera 26 capturing digital images of an approaching vehicle 22, and communicating to

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an operator PC 24, see Fig. 1, col. 4, lines 27-39 and col. 5, lines 10-16); and the computing device having a processor, a memory, and a second communications port (the operator computer PC 24 includes a memory for storing digital images captured by the camera 26, see Fig. 1, col. 5, lines 12-16; and the first communications link between the first communications port and the second communications port (the standard cable for connecting between the camera 26, analyzer 18 and the operator PC 24, see Fig. 1, col. 3, lines 44-47 and col. 4, lines 36-42); and the first information collection device comprising an open path emission sensor in communication with the computer, the first information collection device having a first emissions illumination source to illuminate emissions of the first vehicle and positioned to capture emissions data corresponding to the first vehicle (the IR radiation 10 and UV radiation 12 sensors illuminate the emissions 20 of the vehicle 22 for capturing the emissions 20 as well as speed and acceleration of a vehicles 22. The captured information is send to the operator PC 24, see Fig. 1, col. 4, lines 28-67 and col. 5, lines 1-18); but **Lord et al** fails to disclose a first illumination source positioned to illuminate the at least one feature of the first vehicle. However, **Lord et al** teaches that the video camera 26 is for capturing the license plate of vehicle 22 when passing through the detection area, see Fig. 1, col. 4, lines 28-48. Therefore, it would have been obvious to one skill in the art to recognize that the video camera is normally provided with light source radiating at a person, an object such as a moving vehicle at the detection area during a night-time, darkness or a low light level, so that the capture images of vehicle 22 license plate can be seen by the

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operator's monitor or can be printed on a paper. The video camera lighting system is well known to an artisan for properly capturing images in the dark.

Regarding claim 12, the method claimed limitations are met by the apparatus claim cited in respect to claim 1 above, and including the computer programming (the operator personal computer PC 24 and analyzer PC 56, see Figs. 1-4, col. 6, lines 37-40).

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lord et al** [US 6,455,851] in view of **Taki** [US 6,892,262].

Regarding claim 2, **Lord et al** fails to disclose the first communication port is capable of transferring data at a transfer rate substantially equal to at least one of 100, 200 and 400 megabits per second. However, **Lord et al** teaches that the digital camera images, speed, acceleration and the emission images are communicating with the operator PC 24 via a standard digital data communication protocols, see Figs. 1-4, col. 3, lines 44-47 and col. 4, lines 28-42. **Taki** suggests that a serial bus interface device such as IEEE 1394 serial bus having a high data transfer speed of 100 to 400 megabits per second and supports two kinds of transfer modes. The IEEE 1394 serial bus is connecting between a digital camera 102 and a personal computer 101 for transferring digital images there between, see Fig. 3, abstract, col. 1, lines 6-20, col. 4, lines 42-57. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the IEEE 1394 serial bus interface of **Taki** for the standard

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digital data communication protocols of **Lord et al** for providing a faster speed of transferring digital image data with identification information and reduce of losing data.

Regarding claim 3, all the claimed subject matters are discussed between **Lord et al** and **Taki** in respect to claims 1 and 2 above.

Regarding claim 4, all the claimed subject matters are discussed between **Lord et al** and **Taki** in respect to claims 1 and 2 above.

3. Claims 5-7, 10, 13-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lord et al** [US 6,455,851] in view of **Lock** [US 6,919,823].

Regarding claim 5, **Lord et al** fails to disclose the second digital video image collector to capture a second data file that is representative of a visual image of at least one feature of a second vehicle moving on a roadway and the second digital camera including a third communications port, and the second video illumination source positioned to illuminate the at least one non-emissions feature of the second vehicle. However, **Lord et al** teaches of a single digital camera 26 being selectively positioned to capture images of a vehicle 22 traveling along a roadway 14, see Fig. 1, col. 4, lines 36-42. **Lock** suggests that a digital camera 18 captures images of a vehicle crossing a traffic lane A having sensor 22, and a second digital camera 19 captures images of a vehicle crossing a traffic lane B having a sensor 23. The digital cameras 18 and 19 are connected to a digital computer 20 for processing and recording digital images, see

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Figs. 1 and 2, col. 3, lines 27-46 and col. 4, lines 25-30. Therefore, it would have been obvious to one skill in the art at the time the invention was made to implement the two digital cameras of **Lock** with a single digital camera of **Lord et al** in order to capture more than vehicles traveling on different lanes or roads since the highway or mayor road having at least two lanes for improving of traffic congestions.

Regarding claim 6, all the claimed subject matters are discussed between **Lord et al** and **Lock** in respect to claims 1 and 5 above.

Regarding claim 7, all the claimed subject matters are discussed between **Lord et al** and **Lock** in respect to claim 6 above.

Regarding claim 10, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 4 and 5 above.

Regarding claim 13, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claims 2 and 12 above.

Regarding claim 14, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claims 3 and 12 above.

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Regarding claim 15, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claims 3 and 12 above, and including a single house (the camera 26, see Fig. 1).

Regarding claim 16, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claims 1 and 2 above.

Regarding claim 20, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 1 and 2 above.

4. Claims 8, 9, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lord et al** and **Taki** and further in view of **Lock** [US 6,919,823].

Regarding claim 8, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 2 and 5 above.

Regarding claim 9, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 3 and 5 above.

Regarding claim 18, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 5 and 12 above.



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Regarding claim 19, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claim 18 above.

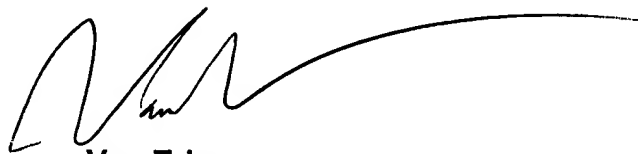
Regarding claim 21, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 5 and 20 above.

### ***Conclusion***

5. The amended claimed limitations filed on 05 April 2006 are still meet by a reference of **Lord et al** as rejected above.

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Mike Horabik** can be reached on (571) 272-3068.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long, sweeping horizontal line extending to the right.

**Van Trieu**  
**Primary Examiner**  
**Date: 6/22/06**